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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 ARIEL ABITTAN,
15 PLAINTIFF,
16 v.
17 LILY CHAO ET AL,
18 DEFENDANTS,
19 and
20 EIAN LABS INC.,
21 NOMINAL DEFENDANT.

Case No.: 5:20-cv-09340-NC

STIPULATION TO EXTEND TIME TO
RESPOND TO MOTION FOR AN ORDER
ALLOWING DEFENDANTS LILY CHAO
AND DAMIEN DING TO BE SERVED (1)
THROUGH COUNSEL ...

Magistrate Judge:
Nathanael M. Cousins

Pursuant to Fed. R. Civ. P. 6(b) and Civil Local Rules 6-1 and 6-2, defendants Lily Chao (a/k/a Tiffany Chen, a/k/a Yuting Chen) and Damien Ding (a/k/a Damien Leung, a/k/a Tao Ding) (collectively “Defendants”) and plaintiff Ariel Abittan (“Plaintiff”) by and through their respective counsel, stipulate as follows:¹

WHEREAS, Plaintiff commenced this action on December 24, 2020;

WHEREAS, Plaintiff filed a Motion for an Order Allowing Defendants Lily Chao and Damien Ding to Be Served (1) Through Counsel..., Dkt. 8, on **September 20, 2021** (“the Motion”);

WHEREAS, Defendants’ opposition to the Motion is currently due **October 4, 2021**, and Plaintiff’s reply is currently due **October 18**;

WHEREAS, a hearing on the Motion is scheduled for **November 9, 2021**;

WHEREAS, Defendants and Plaintiff agreed and stipulate to a brief extension of time, extending the time for Defendants’ opposition to the Motion to **October 18, 2021**, and the time for Plaintiff’s reply to **October 25, 2021**;

WHEREAS, pursuant to **Civil L.R. 6-2(a)(1)**, Defendants “set forth with particularity, the following reasons for the requested enlargement [] of time” as follows:

1. The undersigned counsel has been retained earlier this week to substitute for Defendants’ prior counsel, Fenwick & West LLP for the instant civil action. Meroney Decl. ¶ 1.
2. The undersigned counsel is also being substituted to for Defendants’ prior counsel, Fenwick & West LLP, in two California state court cases involving some of the same parties. One of the cases involves plaintiff in this case, Ariel Abittan. Case No. 20-cv-372622 in the Superior Court of the State of California, County of Santa Clara. Meroney Decl. ¶ 2.
3. There are a number of imminent deadlines in all cases, including for meet & confers, pleadings and other court filings/submissions, and hearings over the

¹ Defendants do not concede the “a/k/a” aliases from the caption of Plaintiff’s original complaint are correct. See e.g., DKT 74 (Chen Declaration).

1 coming days and weeks. Meroney Decl. ¶ 3.

- 2 4. The undersigned counsel is urgently working to meet as many deadlines as
3 possible in all cases while seeking the minimum extensions necessary to ensure a
4 proper and orderly transition. Meroney Decl. ¶ 4.
- 5 5. Absent the requested extension, Defendants would likely be prejudiced by a lack
6 of sufficient time to assess Plaintiff's motion and determine how and whether to
7 submit an opposition. Meroney Decl. ¶ 5.
- 8 6. The undersigned has sought and received Plaintiff's consent to an extension to
9 respond to the Motion. Defendants also consented to an extension for Plaintiff to
10 submit a reply. Meroney Decl. ¶ 6.

11 WHEREAS, pursuant to **Civil L.R. 6-2(a)(2)**, Defendants "[d]isclose[]" all previous time
12 modifications in the case, whether by stipulation or Court order" as follows:

- 13 1. On March 5, 2021, Dkt. 22, the Court continued the Initial Case Management
14 Conference set for March 17, 2021 to April 28, 2021. Meroney Decl. ¶ 7.
- 15 2. On April 21, 2021, Dkt. 44, the Court entered a Modified Order re 43 Stipulation
16 Setting Schedule and Extending Time to Respond. The Court continued the Case
17 Management Conference set for April 28, 2021 to July 7, 2021. Meroney Decl.
18 ¶ 8.
- 19 3. On June 28, 2021, Dkt. 67, the Clerk issued a Notice continuing the Case
20 Management Conference set for July 7, 2021 to July 28, 2021. Meroney Decl. ¶ 9.
- 21 4. On July 19, 2021, Dkt. 79, the Clerk issued a Notice continuing the Case
22 Management Conference set for July 28, 2021 to October 6, 2021. Meroney Decl.
23 ¶ 10.
- 24 5. On September 29, 2021, Dkt. 90, the Court entered an Order, following the
25 parties' stipulation and joint request, continuing the Case Management Conference
26 from October 6, 2021 to November 17, 2021. Meroney Decl. ¶ 11.

27 WHEREAS, pursuant to **Civil L.R. 6-2(a)(3)**, Defendants "[d]escribe[]" the effect the
28 requested time modification would have on the schedule for the case" as follows:

1. The parties have agreed to the extension of time and believe it will not impact any other dates on the case schedule. Meroney Decl. ¶ 12.

IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 6-1 and Civil L.R. 6-2, by and between Defendants and Plaintiff, that the parties jointly request that the Court grant the following extension of time:

(1) Defendants' opposition to the Motion is extended from October 4, 2021 to October 18, 2021;

(2) Plaintiff's reply to Defendants' opposition to the Motion is extended from October 18, 2021 to October 25, 2021.

(3) Changing the hearing on the Motion from October 27, 2021, to November 9, 2021.

DATED: October 4, 2021

ROCHE FREEDMAN PLLC
Constantine Economides

By: /s/ Constantine Economides

DATED: October 4, 2021

CULHANE MEADOWS PLLC
Millicent S. Meroney (Lundburg)

By: /s/ Millicent S. Meroney (Lundburg)

I hereby attest that I obtained consent in the filing of this document from each of the other signatories on this e-filed document.

DATED: October 4, 2021

CULHANE MEADOWS PLLC
Millicent S. Meroney

By: /s/ Millicent S. Meroney (Lundburg)

* * *

[PROPOSED ORDER]

PURSUANT TO STIPULATION, IT IS ORDERED that:

- (1) Defendants' opposition to Motion for an Order Allowing Defendants Lily Chao and Damien Ding to Be Served (1) Through Counsel...", Dkt. 8 is due on October 18, 2021, and
- (2) Plaintiff's reply to Defendant's opposition is due on October 25, 2021.
- (3) A hearing on the Motion is set for November 9, 2021.

Dated: _____

The Honorable Nathanael Cousins
United States Magistrate Judge